

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-25-T - ORDER NO. 2003-549  
SEPTEMBER 8, 2003

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|--|---|---------------------|
| IN RE: Application of Barbara C. Joyner DBA Joyner | ) |                     |
| Transfer Company, Post Office Box 401,             | ) | ORDER APPROVING     |
| Georgetown, SC 29442 to Transfer Class E           | ) | TRANSFER OF CLASS E |
| Certificate of Public Convenience and              | ) | CERTIFICATE         |
| Necessity No. 671-A to Allegiance Moving           | ) |                     |
| Company, Inc., 1806 Wedgefield Road,               | ) |                     |
| Charleston, SC 29407.                              | ) |                     |

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Barbara C. Joyner DBA Joyner Transfer Company, Post Office Box 401, Georgetown, SC 29442 (hereafter referred to as “Joyner” or “Transferor”) to transfer Class E Certificate of Public Convenience and Necessity (“Class E Certificate of PC&N”) No. 671-A to Allegiance Moving Company, Inc., 1806 Wedgefield Road, Charleston, SC 29407 (hereinafter referred to as “Allegiance” or “Transferee”). Joyner is the holder of Class E Certificate of PC&N No. 671-A which provides authority to transport household goods as follows:

HOUSEHOLD GOODS, as defined in R. 103-210(1):  
Between points and places in Clarendon, Georgetown, Horry and Williamsburg Counties and between points and places in these counties and points and places in South Carolina; and between points and places in Charleston County and points and places outside of Charleston County in South Carolina.

By the Application, Joyner seeks to transfer, and Allegiance seeks to obtain, Class E Certificate of PC&N No. 671-A. Included in the Application are documentation from Joyner, as Transferor, as required by 26 S.C. Regs. 103-135 and documentation from Allegiance, as Transferee, attesting to it being fit, willing, and able to perform the services under the certificate.

Subsequent to the filing of the Application, the Commission's Executive Director instructed Joyner to publish a Notice of Filing in a newspaper of general circulation in the area affected by the Application. The Notice of Filing provided details of the Application and provided information advising interested parties of the manner and time in which to file pleadings to become involved in the proceedings concerning the Application. No Petitions to Intervene or letters of protest were filed regarding the Application.

A hearing on Joyner's Application was held on June 4, 2003, at 2:30 P.M. in the hearing room at the offices of the Commission. The Honorable Mignon Clyburn, Chairman, presided at the hearing. Joyner was represented by J. Derrick Jackson, Esquire. Frank R. Ellerbe, III, Esquire represented Allegiance. F. David Butler, General Counsel represented the Commission Staff.

Eric Joyner testified on behalf of the Applicant, and Phillip E. Boris and Lane E. Boris testified on behalf of Allegiance. L. George Parker, Jr. testified on behalf of the Commission Staff.

#### **APPLICABLE LAW**

1. S.C. Code Ann. § 58-23-340 (Supp. 2002) provides:

Notwithstanding custom or usage or any regulation, or other provision of law, it is unlawful for any person to sell, lease, or otherwise transfer a certificate of public convenience and necessity issued or authorized to be issued after July 1, 1983, under the provisions of Chapter 23 of Title 58 for money, goods, services, or any other thing of value. A certificate may be transferred incident to the sale or lease of property or assets owned or used by a regulated motor carrier, provided the approval of the Commission for the transfer of the certificate is first obtained and that the certificate itself is not transferred for value or utilized to enhance the value of other property transferred. Nothing herein shall effect the sale, lease or otherwise transfer of a certificate of public convenience and necessity issued prior to July 1, 1983.

2. 26 S.C. Regs. 103-102(1) (Supp. 2002) defines “Certificate of PC&N” as

the certificate of public convenience and necessity authorized to be issued under provisions of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976. Certificates of PC&N shall be required of all for-hire passenger carriers, household goods carriers (except those operating exclusively within the limits of any municipality), and hazardous waste for disposal carriers. Holders of Certificates of PC&N shall be considered regulated carriers.

3. 26 S.C. Regs. 103-102(14) (Supp. 2002) defines “Common Carrier by Motor Vehicle” as “any person<sup>1</sup> which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of persons or property for compensation, whether over regular or irregular routes, except as exempted in Section 58-23-50 and Section 58-23-70 of Code of Laws of South Carolina, 1976.”

4. A “Class E Motor Carrier” is defined in 26 S.C. Regs. 103-114 (Supp. 2002) as “a common carrier of property (household goods or hazardous waste for

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<sup>1</sup> 26 S.C. Code Regs. 103-102(15) defines “person” as “any individual, firm, partnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.”

disposal) by motor vehicle including a motor vehicle containing goods packed by a packing service. A Class E motor carrier must obtain either a Certificate of PC&N or FWA from the Commission.”

5. 26 S.C. Regs. 103-135 (Supp. 2002) is entitled “Sale, Lease or Other Transfer of a Certificate of PC&N or FWA” and provides in relevant part as follows:

1. Application Required. Application for approval of sale, lease or other transfer of a Certificate of PC&N or FWA shall be filed with the Commission on forms provided by the Commission. No application is deemed filed until all the required information is completed and all the appropriate signatures obtained.

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3. Application to Sell or Otherwise Transfer a Certificate of PC&N.

a. If the application is for approval of a sale or other transfer of a certificate, a copy of the proposed sales or other transfer agreement must be filed with the application and must contain the entire agreement between the parties, including (1) an accurate description of the operating rights and other property to be transferred, and (2) the purchase price agreed upon and all the terms and conditions with respect to the payment of the same.

b. No sale or other transfer of a Certificate of PC&N shall be approved by the Commission until the transferor (seller) has filed with the Commission a statement under oath showing (1) all assets of the holder of the certificate to be sold, (2) all debts and claims against the transferor (seller) of which such seller has any knowledge or notice, (3) wages due employees of the transferor (seller), (4) unremitted COD collections due shippers, (5) claims for loss of or damage to goods transported or received for transportation, (6) claims for overcharges on property transported or received for transportation, and (7) interline accounts due other carriers. There also shall be filed with the

Commission a verified statement from the transferee (purchaser) or an authorized agent or officer thereof, guaranteeing the payment of all just obligations as listed in the sworn statement of the seller. This subsection shall not be applicable to sales by personal representatives of deceased or incompetent persons, receivers, or trustees in bankruptcy under court order.

4. Proof Required. The Commission shall approve an application for lease, sale, or other transfer of a Certificate of PC&N made under this section upon finding (1) that the sale, assignment, pledge, transfer, change of control, lease, merger, or combination thereof will not adversely affect the service to the public under said certificate, (2) that the person acquiring said certificate or control thereof is fit, willing, and able to perform such service to the public under said certificate, and (3) that all services under said certificate have been continuously offered and reasonably provided to the public for a period of time not less than twelve months prior to the date of the filing of the application for approval of the sale, lease or transfer of said certificate, or, in lieu thereof, that any suspension of service exceeding thirty (30) days shall have been approved by the Commission, seasonal suspensions excepted. No sale, lease, transfer, assignment, or hypothecation of a Certificate of PC&N will be approved where such action would be destructive of competition or would create an unlawful monopoly.

If the application does not contain evidence that the authorized services have been continuously offered and reasonably provided to the public for a period of time not less than twelve (12) months prior to the sate of the filing of the application, the application may be denied.

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6. It is unlawful for any person to sell, lease, or otherwise transfer a Certificate of PC&N issued or authorized to be issued after July 1, 1983, under the provisions of Chapter 23 of Title 58 for money, goods, services, or any other thing of value. A certificate may be transferred incident to the sale or lease of property or assets owned or used by a regulated motor carrier, provided that approval of the Commission for the transfer of the certificate is first obtained and that the

certificate itself is not transferred for value or utilized to enhance the value of other property transferred. Nothing herein shall affect the sale, lease, or otherwise transfer of a certificate of public convenience and necessity issued prior to July 1, 1983.

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6. 26 S.C. Code Regs 103-133 (Supp. 2002) is entitled “Proof Required to Justify Approving an Application” and provides in subsection (1) as follows:

(1) PC&N (Household Goods or Hazardous Waste for Disposal). An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of household goods or hazardous waste for disposal by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to be appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. The public convenience and necessity criterion must be shown by the use of shipper witnesses.<sup>2</sup> If the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application. The following criteria should be used by the Commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

- a. FIT. The applicant must demonstrate or the Commission determine that the applicant’s safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.P.D.P.S safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations.
- b. ABLE. The applicant should demonstrate that he has either purchased or leased on a long-term basis

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<sup>2</sup> As the instant case concerns the transfer of certificate and not the issuance of a new certificate, the question of public convenience and necessity is not at issue in this case. Thus there is no need for shipper witnesses to be presented.

necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission's insurance requirements and the costs associated therewith.

- c. WILLING. Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

7. 26 S.C. Code Regs. 103-134 (Supp. 2002) is entitled "When Hearing May Be Held" and provides in relevant part that "[w]hen an application for a Certificate of PC&N is submitted and there is no opposition, the Commission may hold a hearing if it deems necessary for the purpose as it shall determine, including the issue of fitness, willingness, or ability of the applicant to appropriately perform the proposed service, or the issue of whether public convenience and necessity are already being served."

#### **EVIDENCE OF RECORD**

Eric Joyner, son of Barbara Joyner who is the certificate-holder, appeared and offered testimony in support of the Application. Mr. Joyner stated that his mother was unable to appear at the hearing due to health reasons. Mr. Joyner is employed by Joyner Transfer Company. Mr. Joyner testified that Joyner Transfer Company was started by his father and his uncle in 1944. The company has been located in Georgetown since its inception but had an office in Charleston for some time. The elder Mr. Joyner passed away approximately two and one-half years ago at which time the certificate name was changed to reflect the owner as Barbara Joyner DBA Joyner Transfer.

Mr. Joyner stated that his mother has entered into an agreement with Allegiance to sell Certificate of Public Convenience and Necessity No. 671-A for a sum of thirty thousand dollars (\$30,000.00)<sup>3</sup>. Mr. Joyner testified that Joyner Transfer had been providing services under the Certificate for at least twelve months prior to entering the agreement to sell the Certificate. (Bills of lading demonstrating service for twelve months prior to the filing of the Application were also filed with the Application.) According to Mr. Joyner, Joyner Transfer has been providing services locally within the five counties listed in the Certificate and to or from those five counties to points and places in South Carolina.

Included in the Application was a certification from Barbara Joyner that there were no debts and claims against Joyner Transfer, that there were no wages due employees of Joyner Transfer, that there were no unremitted COD collections due shippers, that there were no claims against Joyner Transfer for loss of or damage to goods transported or received for transportation, that there were no claims against Joyner Transfer for overcharges on property transported or received for transportation, and that Joyner Transfer had no interline accounts due other carriers. Mr. Joyner affirmed that the content of the certification signed by Barbara Joyner remained correct and that Joyner Transfer owed no such claims, collections, or accounts.

Philip E. Boris testified on behalf of Allegiance. Mr. Boris is the President of Allegiance. Allegiance employs six people, with three being full-time employees and

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<sup>3</sup> The contract submitted with the Application indicated a purchase price of forty thousand dollars (\$40,000.00). On cross examination, Mr. Joyner testified that the correct price is thirty thousand dollars (\$30,000.00) and that the reduction in price followed negotiations between Joyner and Allegiance based on a clarification of the authority covered by the Certificate.



three being part-time employees. Allegiance presently holds a Certificate of Compliance from the Department of Public Safety which allows Allegiance to transport commodities, other than hazardous wastes or household goods, within the State of South Carolina. See, Hearing Exhibit 1. Presently, Allegiance performs office relocations and also provides labor associated with loading and unloading of household goods. According to Mr. Boris, Allegiance's business is growing.

Mr. Boris testified that Allegiance has sufficient insurance to meet the Commission's insurance requirements. See, Hearing Exhibit 2. Mr. Boris also testified concerning a safety inspection performed on May 13, 2003 by the South Carolina Department of Public Safety. See, Hearing Exhibit 3. According to Mr. Boris, Allegiance received a "Satisfactory" safety rating on the safety inspection. Presently, Allegiance owns one truck and leases additional trucks as needed in its business. According to Mr. Boris, Allegiance has plans to purchase up to two additional trucks if the transfer of authority is approved.

Mr. Boris also sponsored several invoices from customers showing repeat business. One set of invoices was from Haynesworth Sinkler Boyd law firm showing fourteen separate moves over two years, and one set of invoices was from BellSouth Telecommunications illustrating twelve separate moves over a five month period in 2001. See, Hearing Exhibits 4 and 5. Allegiance also offered three invoices from the Charleston Chamber of Commerce for moving services on three separate occasions. See, Hearing Exhibit 6. Mr. Boris offered that the evidence of repeat business from these three customers indicates satisfaction with Allegiance's work on the part of these three

customers. Further, Mr. Boris stated that his company's record of providing satisfactory service to customers of office moves indicates that Allegiance will provide satisfactory service to customers wanting household goods moving services. According to Mr. Boris, the experience gained from performing office moves would enable him to perform household moves because typically office moves involve larger and heavier furniture than household goods moves.

Mr. Boris testified that Allegiance is a member of the Charleston Chamber of Commerce, the Better Business Bureau, and the South Carolina Trucking Association. At the hearing, Mr. Boris and Mrs. Boris both testified that Allegiance was a member of the South Carolina Tariff Bureau. However, following the hearing, Allegiance submitted a late-filed exhibit which clarified that in fact Allegiance was not a member of the South Carolina Tariff Bureau.

Finally, Mr. Boris discussed the fact that Allegiance was not granted authority when it applied to the Commission roughly two years ago. Mr. Boris indicated that while Allegiance may not have been in compliance with the Commission's Rules and Regulations previously, he offered that Allegiance has gained more experience with the Commission's Rules and Regulations since that appearance before the Commission and further offered that Allegiance intends to operate in compliance with the Commission's Rules and Regulations. Mr. Boris also stated that following Allegiance's prior appearance before the Commission that Allegiance has had a good safety record and that Allegiance has not been the subject of any customer complaints filed with the Commission.

Mrs. Lane Boris, wife of Philip Boris and Secretary Treasurer of Allegiance, also testified. Mrs. Boris stated that she manages the office at Allegiance and is responsible for the office operations, billing, payroll, and other duties. Mrs. Boris testified that she and her husband are more familiar with the rules and regulations governing for hire motor carrier operations since the last time Allegiance appeared before the Commission. According to Mrs. Boris, she and her husband desire to operate a business fully compliant with the Commission's Rules and Regulations. She also stated that Allegiance is willing to undergo, and welcomes, contact with the Commission Staff concerning Allegiance's for hire motor carrier operations.

L. George Parker, Jr., Manager of the Transportation Department of the Commission, testified. Mr. Parker testified concerning previous violations of Allegiance for operating without intrastate moving authority. According to Mr. Parker, Allegiance has not been cited for a violation for approximately two years.

Mr. Parker also testified concerning the Staff's interpretation of the scope of authority contained in Certificate of PC&N No. 671-A. According to Mr. Parker, Staff reads the scope of authority as allowing for shipments of household goods to be moved within the five counties listed in the scope of authority and to originate within the five counties and terminate elsewhere within the State of South Carolina but not to originate outside of the five counties listed for return to any of those counties.

While Mr. Parker neither endorsed nor opposed the Application for transfer of authority to Allegiance, Mr. Parker did acknowledge that granting the transfer of authority would bring Allegiance under the Commission's jurisdiction. Mr. Parker stated

that having Allegiance under the Commission's jurisdiction would enable the Transportation Department to audit Allegiance and would allow a means to address complaints should any arise. Due to the previous citations against Allegiance, Mr. Parker did ask that the Commission, should it see fit to approve the transfer of authority from Joyner to Allegiance, to impose certain conditions upon Allegiance. First, Mr. Parker recommended that any complaint or remediation that occurs for the first year be brought to the Commission's attention. Second, Mr. Parker suggested that Allegiance undergo two Staff audits during the first year of operations rather than the usual single annual audit. These audits would be to ensure compliance by Allegiance with the Commission's Rules and Regulations as well as to ascertain that Allegiance is operating in accordance with its filed tariff.

### **FINDINGS OF FACT**

After full consideration of the Application, the testimony presented, and the applicable law, the Commission makes the following findings of fact:

1. Joyner has been providing moving services of household goods continuously since the 1940's and the services being provided under Certificate of PC&N No. 671-A have been provided since the mid-1960's.

2. Joyner, as Transferor, desires to sell its interests in and to Certificate of PC&N No. 671-A.

3. As Certificate of PC&N No. 671-A was issued prior to July 1, 1983, Certificate of PC&N No. 671-A may be sold for value as provided by S.C. Code Ann. Section 58-23-340 (Supp. 2002).

4. Joyner has found a willing buyer for Certificate of PC&N No. 671-A and that willing buyer is Allegiance, the Transferee herein.

5. The moving services offered under Certificate of PC&N No. 671-A have been continuously offered and reasonably provided to the public for at least twelve months prior to the filing of the instant Application.

6. Joyner, as Transferor, has agreed to sell its interests in Certificate of PC&N No. 671-A for thirty thousand (\$30,000.000) dollars.

7. Joyner, as Transferor, has no debts or claims against it; has no wages due employees; has no unremitted COD collections due shippers; has no claims for loss of or damage to goods transported or received for transportation; has no claims for overcharges on property transported; and has no interline accounts due other carriers.

8. Allegiance, the Transferee herein, has demonstrated that it is “fit” to provide and properly perform the moving services allowed by Certificate of PC&N No. 671-A. Allegiance has shown that it possesses a “Satisfactory” safety rating and has shown that its principals are familiar with, and agree to operate in compliance with, the statutes, rules, and regulations governing for hire motor carrier operations. Additionally, Allegiance certified in its Application that it has no outstanding judgments pending against it.

9. Allegiance, the Transferee herein, has demonstrated that it is “able” to provide and properly perform the moving services allowed by Certificate of PC&N No. 671-A. Allegiance has demonstrated that it has the necessary equipment to provide moving services by presenting evidence of owning a truck and leasing other trucks as

needed. Further, Allegiance has provided evidence of having liability and cargo insurance which meet the Commission's insurance requirements.

10. Allegiance, as Transferee herein, has demonstrated "willingness" by filing its Application and by appearing at the hearing to answer questions regarding its operations and business. Further, the testimonies of Mr. Boris and Mrs. Boris indicate "willingness" on behalf of Allegiance and its principals.

11. The sale and transfer of Certificate of PC&N No. 671-A will not adversely affect the services offered to the public under that certificate.

12. Allegiance's Motion to Clarify the scope of Certificate of PC&N No. 671-A is denied

### **CONCLUSIONS OF LAW**

Based upon the above Findings of Fact and the applicable law, the Commission concludes as follows:

1. The Commission concludes that Joyner has been continuously offering and reasonably providing to the public moving services under Certificate of PC&N No. 671-A for at least twelve months prior to the filing of the instant Application.

2. The Commission concludes that the Allegiance has demonstrated through the Application and the testimony presented that it meets the requirements of fit, willing, and able as set forth in 26 S.C. Code Reg. 103-133 (Supp.2002).

3. The Commission concludes that the sale and transfer of Certificate of PC&N No. 671-A from Joyner to Allegiance will not adversely affect the service to the public under the Certificate.

4. Based on the conclusions above, that Joyner has continuously and reasonably offered the services to the public, that Allegiance has demonstrated that it meets the requirements of fit, willing, and able, and that the sale and transfer of Certificate of PC&N No. 671-A will not adversely affect the service to the public under the Certificate, the Commission concludes that Class E Certificate of PC&N No. 671-A should be transferred from Joyner to Allegiance. This grant of authority is contingent upon Allegiance complying with all Commission regulations, and this grant of authority is not effective until such time as Allegiance comes into compliance with the Commission regulations as outlined below.

4. Pursuant to the recommendations of the Staff and the acquiescence to those recommendations by Allegiance (See, Letter of counsel accompanying late-filed hearing exhibit), the Commission concludes that the Staff should maintain close scrutiny of Allegiance for the first year of operations following issuance of the transferred Certificate of PC&N. Specifically, this close scrutiny requires the Commission Staff (1) to notify the Commission of any complaint or remediation concerning Allegiance during the first year of operations and (2) to perform two audits of Allegiance during the first year of operations and to report to the Commission any infractions uncovered during those audits.

5. During the hearing on this matter, Allegiance asserted that some ambiguity exists as to the actual scope of authority authorized by Certificate of PC&N No. 671-A. Allegiance made a Motion to Clarify the scope of authority. By its Motion, Allegiance requests that the Commission state that Certificate of PC&N No. 671-A

permits movement of household goods shipments (1) that originate in any of the five counties listed in the certificate and go to points and places in South Carolina and (2) that originate anywhere in South Carolina and return to any of the five counties listed in Certificate No. 671-A. According to Allegiance the requested clarification will provide for a scope of authority that comports with the manner that Mr. Joyner testified that Joyner was conducting its operations.

As the Commission is being asked to “clarify” the language used in the scope of Certificate of PC&N No. 671-A, the Commission must ascertain what the scope of the Certificate is. Certificate of PC&N No. 671-A provides for the following scope:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1):  
Between points and places in Clarendon, Georgetown,  
Horry and Williamsburg Counties and between points and  
places in these counties and points and places in South  
Carolina; and between points and places in Charleston  
County and points and places outside of Charleston County  
in South Carolina.

The first part of the scope reads “[b]etween points and places in Clarendon, Georgetown, Horry, and Williamsburg Counties and between points and places in these counties and points and places in South Carolina.” The language from the scope allows for the movement of shipments that originate and terminate within one of the four listed counties. Further, the language allows for shipments (1) that either originate within one of the four listed counties and terminate elsewhere in South Carolina or (2) that originate elsewhere in South Carolina and terminate within one of the four listed counties. The use of the word “between” indicates to this Commission that shipments may move in either direction; if only one direction had been intended, then this Commission is of the opinion



that the scope would have used the words “from” and “to” to indicate movement in one direction only.

The second part of the scope reads “and between points and places in Charleston County and points and places outside of Charleston County in South Carolina.” Under this part of the authority, a shipment must either (1) originate in Charleston County and terminate elsewhere in South Carolina which is outside of Charleston County or (2) originate outside of Charleston County and terminate within Charleston County. Under the language of the approved scope, only one terminus of a move may be in Charleston County. The use of the conjunction “and” in the description requires that both conditions on either side of the “and” be met. Thus, for a shipment to meet the scope as defined, the shipment must have one point, either originating or terminating, in Charleston County, with the other point, either originating or terminating, outside of Charleston County in South Carolina. It is noted that this part of the scope does not allow for shipments that originate and terminate wholly within Charleston County as such a shipment would not fall within the description of “points and places within Charleston County” and “points and places outside of Charleston County in South Carolina.”

The clarification requested by Allegiance does not fall within the scope of authority as issued to Joyner. Allegiance’s clarification would enlarge the scope of authority beyond what was issued. This Commission cannot in the context of the instant proceeding enlarge the scope of authority as no notice has been given that such action would be considered. Further, the fact that both Joyner and Allegiance may have understood the scope to be different than what is herein stated does not persuade this

Commission to enlarge the scope of authority. Therefore, the Commission denies Allegiance's Motion to Clarify the scope, and the scope of authority of Certificate of PC&N No. 671-A shall remain as issued.

IT IS THEREFORE ORDERED THAT:

1. Class E Certificate of Public Convenience and Necessity No. 671-A issued to Barbara C. Joyner d/b/a Joyner Transfer Company is hereby transferred to Allegiance Moving Company, Inc., and Allegiance Moving Company is hereby authorized to provide transportation services by motor vehicle as follows:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1):  
Between points and places in Clarendon, Georgetown, Horry and Williamsburg Counties and between points and places in these counties and points and places in South Carolina; and between points and places in Charleston County and points and places outside of Charleston County in South Carolina.

2. Allegiance Moving Company, Inc. shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26

(1976), as amended, a Certificate shall be issued to Allegiance Moving Company, Inc. authorizing the motor carrier services granted herein.

4. Prior to compliance with the above referenced requirements and receipt of a Certificate, the motor carrier services authorized herein may not be provided.

5. The Commission Staff is ordered to maintain close scrutiny of Allegiance during the first year of operations under the transferred certificate. Specifically, this close scrutiny requires the Commission Staff (1) to notify the Commission of any complaint or remediation concerning Allegiance during the first year of operations and (2) to perform two audits of Allegiance during the first year of operations and to report to the Commission any infractions uncovered during those audits.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

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Mignon L. Clyburn, Chairman

ATTEST:

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Gary E. Walsh, Executive Director

(SEAL)